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DEC 08 2004

OFFICE OF PETITIONS

In re Application of
Singh, et al.
Application No. 09/814,402
Filed: March 22, 2001
Attorney Docket No. 11710-0210
(44043-228530)

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2004, to revive the above-identified application.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 25, 2003. The proposed reply required for consideration of a petition to revive must be:

- (A) a Notice of Appeal and appeal fee;
- (B) an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance;
- (C) the filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995; or
- (D) the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

Accordingly, this application became abandoned on May 26, 2003. A Notice of Abandonment was mailed on October 21, 2003 and supplemented on December 12, 2003.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (2), above.

The petition fee has not been submitted. The fee transmittal, submitted April 20, 2004, authorizes the charging of only \$130.00 to deposit account 11-0875, however, the petition set forth in 37 CFR 1.17(m) is currently \$1370.00. Furthermore, permission to charge additional fees or underpayment of fees was not authorized in the fee transmittal. A balance of \$1240 remains. As such, the petition can not be addressed on the merits at this time.

Accordingly, the petition must be dismissed.

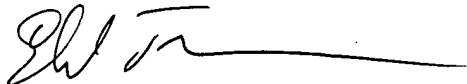
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: Customer Service Window
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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.



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